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Via ECF and E-mail (ALCarterNYSDChambers@nysd.uscourts.gov)

Hon. Andrew L. Carter, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Courtroom 435
New York, NY 10007

Re: *Lamb v. Forbes Media LLC*, Case No. 1:22-cv-06319-ALC (S.D.N.Y.)

JOINT LETTER MOTION FOR A STAY PENDING MEDIATION

Dear Judge Carter:

We write on behalf of all Parties to the above-referenced (the “Action”) to jointly request that the Action be stayed pending formal mediation.

On November 14, 2024, the Court so ordered the Parties’ proposal that Plaintiffs file an amended complaint within thirty days of the Second Circuit issuing its mandate in *Salazar v. National Basketball Association*, Case No. 23-1147 (2d Cir.). *See* Dkt.# 60. The Second Circuit issued the *Salazar* mandate on November 5, 2024. Thus, Plaintiffs’ current deadline to file an Amended Complaint is this Thursday, December 5, 2024.

In advance of that deadline, the Parties conferred and have agreed to mediate the case. The Parties are in the process of selecting a mediator but anticipate that the mediation will occur in late-February or early-March. The Parties agree that (i) meaningful and productive settlement talks will occur between the Parties through mediation and, importantly, (ii) mediation—coupled with a stay of litigation—will afford the Parties a cost-efficient manner in which to resolve the Action, while also promoting judicial economy.

The power of a District Court to stay an action pending on its docket is “incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). In deciding whether a stay is appropriate, courts typically consider five factors: (1) the private interests of the plaintiffs in proceeding expeditiously with the civil litigation as balanced against the prejudice to the plaintiffs if delayed; (2) the private interests of and burden on the

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defendants; (3) the interests of the courts; (4) the interests of persons not parties to the civil litigation; and (5) the public interest. *Sikhs for Just. v. Nath*, 893 F. Supp. 2d 598, 621 (S.D.N.Y. 2012). Here, each of these factors weighs in favor of a stay for purposes of avoiding costs and increasing the potential for a successful mediation process which fully disposes of this Action.

For these reasons, the Parties jointly request that Your Honor grant this joint letter motion and stay the Action pending formal mediation. We thank the Court for its time and consideration.

Sincerely yours,

HOLLAND & KNIGHT LLP

BURSOR & FISHER P.A.



/s/ Phillip L. Fraietta

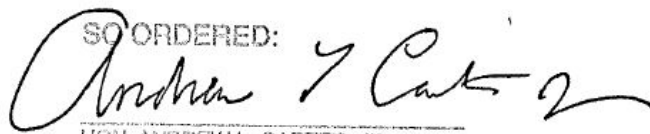
Mark S. Melodia

Phillip L. Fraietta

Counsel for Defendant

Counsel for Plaintiffs

cc: All counsel of record (via ECF)

SO ORDERED:

HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Dated: December 4, 2024

New York, NY

The Court hereby STAYS the action pending formal mediation and ORDERS the Parties to submit a Joint Status Report regarding settlement discussions on or before January 3, 2025.